IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.81 of 2003

Nisar Banemiya Shaikh ..Appellant

vs

The State of Maharashtra. .. Respondent

Mr Jayesh Kocheta for the appellant.
Dr F.R. Shaikh, A.P.P. for respondent.

CORAM: V.G.PALSHIKAR,Acg C.J. ,
& NISHITA MHATRE, J.
DATE: AUGUST 16, 2006.

P.C.:-

Heard learned counsel for the appellant and the Additional Public Prosecutor. Perused the record.

For the reasons recorded separately, the appeal is partly allowed. The conviction and sentence under section 302 IPC is set aside. Instead, accused is convicted under section 304 Part II and sentenced to suffer rigorous imprisonment for a period of 6 years. The accused was arrested on 3rd March, 2000 and since then he is in jail. He has thus undergone the sentence and consequently he is liable to be released immediately, if not otherwise required.

Appeal accordingly disposed of.